

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BRENDA GRIFFIN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-12-1196-D
	)	
LEROY E. YOUNG, D.O., INC.,	)	
	)	
Defendant.	)	

**ORDER**

On June 20, 2013, the Court conducted a status conference in this case. A scheduling order was not issued because two pending motions impact the manner in which the case will proceed: Defendant's motion to dismiss for failure to timely substitute a proper party as required by Fed. R. Civ. P. 25(a)(1) [Doc. No. 18] and counsel for the deceased Plaintiff's motion to withdraw and extend deadlines [Doc. No. 21].

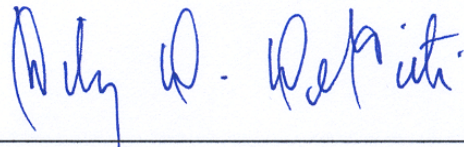
The Court advised counsel that, under the circumstances presented, the 90-day time period for seeking a substitution of a proper party in place of the deceased Plaintiff has not yet begun to run because non-parties who may have an interest in the case were not served with the Notice of Suggestion of Death [Doc. No. 9] filed by Defendant. Pursuant to Fed. R. Civ. P. 25(a)(3), the Notice must be served on interested non-parties. Counsel for the deceased Plaintiff has identified two individuals who may have an interest in the claims asserted in this case, and the Court determined that service of the Notice of Suggestion of Death should be attempted by Defendant in accordance with Fed. R. Civ. P. 4. Upon service, the 90-day time period for seeking a substitution of a property party in place of the decedent will begin to run. If a motion to substitute is not filed within that time period, the case must be dismissed as required by Fed. R. Civ. P. 25(a)(1).

Accordingly, no later than seven (7) days from the date of this Order, counsel for the deceased Plaintiff shall furnish to counsel for Defendant written information providing the last known addresses for the deceased Plaintiff's mother, Ramona Griffin, and for Bill McWilliams, who is believed to have been Plaintiff's common-law husband. Counsel shall also provide any available contact information for other known interested parties within the seven-day deadline.

Upon receipt of the foregoing information from counsel, Defendant shall attempt to serve a copy of the Notice of Suggestion of Death [Doc. No. 9] upon Ms. Griffin, Mr. McWilliams, and any other interested party whose identity and contact information is then known to Defendant. Defendant is not required to file a new Notice of Suggestion of Death. Service shall be accomplished according to Fed. R. Civ. P. 4, as provided in Fed. R. Civ. P. 25(a)(3).

The motion of Plaintiff's counsel to withdraw and Defendant's motion to dismiss shall be held in abeyance pending the expiration of the 90-day time period prescribed by Rule 25(a)(1).

IT IS SO ORDERED this 20<sup>th</sup> day of June, 2013.



---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE